

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

---

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

Case No.: 1:12-cv-12334 (WGY)

v.

SPENCER PHARMACEUTICAL INC.,  
JEAN-FRANCOIS AMYOT,  
MAXIMILIEN ARELLA,  
IAN MORRICE,  
IAB MEDIA INC. and  
HILBROY ADVISORY INC.,

Defendants.

---

**JEAN-FRANCOIS AMYOT'S MOTION TO DISMISS FOR LACK OF JURISDICTION  
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(2)**

NOW COMES JEAN-FRANCOIS AMYOT, and do hereby respectfully move this Honorable Court to DISMISS the Plaintiff's Complaint and action because this Court does not have jurisdiction over him.

On June 24, 2010, the United States Supreme Court issued its opinion in *Morrison*, holding that the federal securities laws apply only to domestic securities transactions. See *Morrison*, 130 S.Ct. at 2883. There is no domestic securities transaction attributable to Mr. Amyot that is described anywhere in the Complaint. The only securities transactions described were in an account which: (1) was not in Mr. Amyot's name; and (2) were located in the Bahamas. (See Complaint ¶50). Therefore, and for the reasons set forth in the accompanying memoranda of law, the Complaint must be dismissed.

WHEREFORE, Jean-Francois Amyot respectfully requests that the Court allow this motion and dismiss all claims as against Jean-Francois Amyot in this action.

Respectfully submitted,

JEAN-FRANCOI AMYOT,

By his attorney,

/s/ Jonathan C. Uretsky

Jonathan C. Uretsky (admitted *pro hac vice*)  
Phillipson & Uretsky, LLP  
111 Broadway, 8<sup>th</sup> Floor  
New York, NY 10006  
Telephone: (212 ) 571-1164  
Facsimile: (212) 571-1167

/s/ Mitchell R. Edwards

Mitchell R. Edwards (BBO # 647600)  
Hinckley, Allen & Snyder, LLP  
28 State Street  
Boston, Massachusetts 02109  
Telephone: (617 ) 345-9000  
Facsimile: (617) 345-9020

Date: May 15, 2013

**LOCAL RULE 7.1 CERTIFICATION**

I, Jonathan Uretsky, hereby certify that we have conferred with Plaintiff's counsel of record but after conferring, we were unable to work out a resolution, necessitating this motion.

/s/ Jonathan Uretsky

**CERTIFICATE OF SERVICE**

I further certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent to those indicated as non-registered participants on May 15, 2013.

/s/ Jonathan Uretsky